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RUCNARF/ASEAN REGIONAL FORUM COLLECTIVE

S E C R E T SECTION 01 OF 02 HO CHI MINH CITY 000657

NOFORN

SIPDIS

DEPARTMENT FOR EAP/MLS

E.O. 12958: DECL: 11/6/2019

TAGS: PREL CMGT ASEC VM

SUBJECT: EXPANDED HCMC CONSULAR DISTRICT WORKING WELL, BUT MPS FOLLOWING ITS OWN AGENDA

REF: (A) HCMC 610 (B) HCMC 615 (C) HCMC 620 (D) 2008 HCMC 810

HO CHI MIN 00000657 001.2 OF 002

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Consulate General Ho Chi Minh City, Department of State.

REASON: 1.4 (b), (c), (d)

¶1. (S/NF) SUMMARY: Since the beginning of September, when the GVN expanded the number of provinces that they recognize as belonging to the HCMC consular district from one (HCMC only) to 22, travel within the newly expanded consular district has generally been straight forward with only a few small misunderstandings that have been resolved quickly. Several provinces have formally welcomed their inclusion in the consular district. Travel to provinces outside the GVN-recognized 22 but still in the Consulate's US-defined consular district has proceeded fairly well with no trips denied over the past few months. The only negative consequence of the expansion appears to be a significant increase in Ministry of Public Security (MPS) harassment of HCMC's Vietnamese staff. In the past month alone, MPS agents have contacted LES staff more times than in all of 2008 and virtually all the inquiries focused on determining the travel plans of American officers. Now that Consulate Officers no longer have to file detailed travel plans five days in advance for travel outside HCMC, the MPS appears to be using other measures to secure the same information. END SUMMARY.

GENERALLY SMOOTH SAILING

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¶2. (SBU) During the first two months of operating within their newly-expanded consular district consisting of 22 provinces (rather than just one, as in the past), Consulate officers have encountered very few problems. The few problems that have occurred appear to have resulted from local officials/police who had not yet been informed of the change in procedures. When an officer was stopped by a local (commune level) official while on a trip to celebrate the opening of a school built by an American donor in rural Long An province, for example, several rounds of phone calls to HCMC and Long An officials succeeded in getting the travel back on track in time for the officer to make it to the event. Long An provincial officials later apologized for the inconvenience, explaining that news of the expanded consular district had not yet gotten out to all commune-level officials. We believe that this was a genuine misunderstanding and expect incidents of this type to be a short-term phenomenon only. In conversations with ConGenOffs, officials from many provinces have since commented that the Ministry of Foreign Affairs has briefed their provinces on the change in procedure. Several

provinces have expressed their pleasure at being included in the newly expanded HCMC Consular District.

OUTSIDE TRAVEL ALSO WORKING

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13. (SBU) Travel outside the 22 provinces in the GVN-recognized consular district but within the limits recognized by the USG also appears to be back on track. While ConGenOffs must still request permission to travel five days in advance (in accordance with travel restrictions in place since 2001), permission has been routinely forthcoming. A trip to the Central Highlands that explicitly included "sensitive" issues like refugee monitoring and calls on dissident religious leaders was approved, though subsequently rained out by Typhoon Ketsana. Even an emergency (1-day notice) request for an officer to travel to Lam Dong province to assess the situation of the Lang Mai Buddhists forcibly expelled from Bat Nha pagoda, a politically sensitive case which gained international attention, was approved in record time. This marks a considerable improvement from the situation which prevailed for much of the period from January 2008 through August 2009 when the MFA frequently denied Consulate travel requests as part of the MFA's strategy for gaining permission to open ConGen Houston.

14. (C) Overall, conditions for travel outside the 22 GVN-approved provinces in HCMC's consular district are now comparable to the conditions that prevailed prior to January 2008, when the MFA began denying many Consulate travel requests to make a point about their desire to open ConGen Houston. As was the case in 2007 and 2008, trips are now being routinely approved. When travel actually takes place, ConGenOffs are either officially accompanied by provincial ERO officials or unofficially followed by several plain clothes MPS officers on motorbikes. In the most sensitive areas such as the Central

HO CHI MIN 00000657 002.2 OF 002

Highlands, officers have had both official watchers and a swarm of motorbikes that precede and follow them.

MPS STILL WANTS TO KNOW

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15. (S/NF) The only negative consequence of the expansion of the GVN-recognized consular district has been a sharp increase in MPS harassment of the Consulate's local staff. Now that the MPS no longer receives detailed itineraries for all Consulate travel five days in advance via the HCMC External Relations Office (ERO), they appear to have embarked on a concerted campaign to obtain the information directly from the Consulate's local staff. Over the last month alone, Ho Chi Minh City Locally Engaged Staff (LES) have fully reported seven separate incidents of inappropriate contacts by the MPS and RSO has determined several additional LES contacts that have gone unreported, bringing the total number of contacts to approximately 12. These 12 reports in one month are substantially more than for the entire 2008 calendar year. Nearly all of these MPS contacts have focused on LES involved in some aspect of planning or arranging travel for officers, including motorpool drivers, the travel assistant in GSO and other staff members who assist officers with trips. The types of questions reported by LES staff make it clear MPS is attempting to develop a system for having full prior knowledge of movements by Consulate officers traveling outside of HCMC. For the first time in collective memory, MPS are even contacting LES at the office during work hours rather than only at night and on weekends.

COMMENT

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¶6. (S/NF) The expansion of HCMC's consular district to 22 provinces represents a major improvement on multiple levels: staff spend less time filing detailed travel requests and itineraries; travel can be undertaken without long lead times; travel within the 22 cannot be denied; there is no reason for Consulate staff to announce every private meeting to the GVN; and the leaders of several provinces are choosing to interpret the expansion of the GVN-recognized consular district as a green light for stepping up cooperation with the Consulate. Informal feedback from provincial leaders indicates that MFA in Hanoi and ERO in HCMC are attempting to ensure that the agreement reached on the new consular district is implemented smoothly. Unfortunately, MPS operates independently of MFA and ERO and has clearly decided to continue its long-standing policy of keeping very close tabs on every movement by Consulate officers. While harassment of LES in HCMC is a well established phenomenon (all reftels), the increased frequency as well as the broader range of staff being contacted is an unfortunate side effect of the consular district expansion. Post is working to maintain a relaxed, open-door policy with locally employed staff to encourage continued maximum compliance with established contact reporting policies.

¶7. (U) This cable was coordinated with Embassy Hanoi.

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